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19 *Appointed Class Counsel*

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN JOSE DIVISION**

23 IN RE GOOGLE PLUS PROFILE
24 LITIGATION

Case No. 5:18-cv-06164-EJD (VKD)

**UNOPPOSED MOTION [AND
PROPOSED ORDER] FOR
AMENDMENT OF CY PRES
DISTRIBUTION OF UNCLAIMED
FUNDS**

1 On January 25, 2021, this Court previously finally approved, and entered a Final Judgment
2 upon, the parties' class action Settlement Agreement.¹ Dkts. 110-111. Pursuant to Section 2.8(e) of
3 the Settlement Agreement, the Settlement Fund shall be applied as follows:

- 4 (a) To pay all Notice and Administrative Costs;
- 5 (b) To pay the taxes described [in the Settlement Agreement];
- 6 (c) After the Effective Date, to pay the Fee, Cost, and Expense Award,
7 and any Service Awards;
- 8 (d) After the Effective Date, to distribute the Net Settlement Fund to
9 Claimants in accordance with the Final Approval Order or any
subsequent order of the Court; and
- (e) To distribute Residual Settlement Payments (if any) to Approved
Cy Pres Recipients.

10 On July 18, 2022, Class Counsel moved for (and Google did not oppose) a cy pres distribution
11 of unclaimed funds. Dkt. 129. After accounting for all of the costs enumerated above, approximately
12 \$364,374.35 remained available for a cy pres distribution. Dkt. 129. The cy pres recipients were
13 previously selected via the procedure set forth in the Court's preliminary approval order: interested
14 entities submitted applications for cy pres distributions to court-appointed special master, retired
15 Magistrate Judge Elizabeth LaPorte of JAMS (the "Special Master"). Dkt. 71 at ¶ 10. The Special
16 Master, after reviewing the cy pres distribution applications and supporting declarations,
17 recommended that Stanford Law School's Center for Internet and Society ("CIS") and the Electronic
18 Privacy Information Center ("EPIC") "each be designated to receive its pro rata share of the cy pres
19 funds." Dkt. 72-1 at 4. Without opposition from Google, the Court found good cause and ordered the
20 Claims Administrator to "disburse equal amounts of the Residual Settlement Payments" to both CIS
21 and EPIC. Dkt. 130.

22 Subsequently, one of the cy pres recipients—CIS—no longer employs anyone who works on
23 consumer privacy matters. However, the former CIS director Dr. Jennifer King—whose work was
24 highlighted in CIS's cy pres application and the Special Master's report—now works at Stanford's

26 ¹ All capitalized terms used herein will have the meaning attributed to them in the Settlement
27 Agreement (previously filed at Dkt. 57-2 and cited to herein as "S.A.") unless otherwise defined
28 herein.

1 Institute for Human-Centered Artificial Intelligence (“HAI”).² Since CIS no longer performed work
2 relevant to the purposes associated with the initial cy pres application and finding from the Special
3 Master, CIS contacted Class Counsel and requested that the cy pres to be awarded to CIS instead be
4 awarded to HAI under the supervision of Dr. King.

5 Accordingly, Class Counsel respectfully request that the Court modify its Order for Cy Pres
6 Distribution of Unclaimed Funds (Dkt. 130) from “Stanford Law School’s Center for Internet and
7 Society (‘CIS’)” to “Stanford’s Institute for Human-Centered Artificial Intelligence (‘HAI’).” Class
8 Counsel have conferred with counsel for Google in advance of filing this motion, and Google does
9 not oppose the requested relief.

10 Dated: March 22, 2023

11 /s/ John A. Yanchunis

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27 ² See <https://hai.stanford.edu/people/jennifer-king>.

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